

ALBERT  
EINSTEIN  
COLLEGE OF MEDICINE  
OF YESHIVA UNIVERSITY

ALLEN M. SPIEGEL, M.D.  
The Marilyn and Stanley M. Katz Chair

July 12, 2006

Mr. Michael Tyberg  
1945 Eastchester Road, Apt. 3-D  
Bronx, NY 10461

VIA DHL EXPRESS

Dear Mr. Tyberg,

I am writing in reply to your letter dated June 30, 2006. In consultation with my staff, I have reviewed the documents you provided in addition to educational and committee records. I recognize that the Committee on Student Promotions and Professional Standards has formally recommended that you be dismissed from the College and that our present correspondence, procedurally, constitutes your appeal of that recommendation to my office.

The matter of psychiatric disability is raised in your appeal letter. You indicate, "in February, I sought psychiatric care and was diagnosed with Attention-Deficit/Hyperactivity Disorder." The Committee's records indicate that you met with Dr. Shalom Feinberg several weeks before your March 27, 2006 appearance. A copy of Dr. Feinberg's letter is included herein. The specific date shown on his letter is "February 28, 2005," whereas the postmark on his envelope shows "February 28, 2006." In any event, the College was notified of your contact with Dr. Feinberg and his diagnostic impressions during Committee proceedings conducted in late March of 2006. These and other records indicate that you had raised the matter of these psychiatric conditions after you had failed sufficient examinations to have provoked the Committee's recommendation that you be dismissed. Our policy obligations do not envision provision of retroactive examination accommodations or similar *post hoc* entitlements.

Your letter refers to extended periods of successful academic achievement while in medical school, and this is reflected in your academic record. These periods were accomplished prior to any request for disability accommodations. This pre-2006 record indicates that you possessed the requisite skills and abilities to handle your medical school examinations even without consideration given to any psychiatric or medical conditions and without any disability accommodations in place. During this period of time you failed to bring up any issue of disability or accommodation.

In summary, I find that the Committee on Student Promotions and Professional Standards has thoroughly and properly considered your performance record and has, in addition, met directly with you and with members of your family on more than one occasion over the years. Despite your efforts, your academic work has ultimately failed to meet the College's promulgated standards. On

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Michael Tyberg.....2

this basis, I must deny your appeal that I reverse the Committee's dismissal recommendation.

Looking to the future, Mr. Tyberg, I see every indication that you will have the opportunity to complete your medical training outside of Einstein and that your career aspirations are thereby very much intact. Please understand that the establishment of minimum academic performance standards is a necessary duty of an institution such as ours. Once having established such standards, we bear the burden of going forward with difficult and unpleasant decisions, such as this one.

I wish you and yours all the best in your future endeavors.

Sincerely,

A handwritten signature in black ink, appearing to read "Allen Spiegel".

Allen M. Spiegel, MD  
The Marilyn & Stanley M. Katz Dean

Enclosure

AMS/ag